

Docket No: LE9-00-051
D&S Ref. #: 21043-90

PATENT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Rasche et al.

Serial No.: 09/610,129 : Group Art Unit: 2624

Filed: July 5, 2000 : Examiner: K. Poon

For: **Photoprinter Access to Remote Data**

**PETITION REQUESTING WITHDRAWAL OF THE HOLDING OF
ABANDONMENT UNDER 37 CFR 1.181(a)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

A Notice of Abandonment was issued in this application on February 7, 2007. The Notice indicates that the application is abandoned in view of the appeal being dismissed and no further response received from Applicant.

However, Applicants timely filed a Withdrawal of the Appeal request, filed December 29, 2004, under M.P.E.P. §1215.01, in response to the Examiner's Answer. In the Examiner's Answer, the Examiner indicated that claims 1-7, 9 and 11-13 were allowed. Under M.P.E.P. §1215.02, "If an application contains allowed claims, as well as claims on appeal, the withdrawal of the appeal does not operate as an abandonment of the application, but is considered a withdrawal of the appeal as to those claims and authority to the examiner to cancel the same." Moreover, Applicants in the request for Withdrawal of the Appeal expressly authorized the Examiner to cancel the non-allowed claims, claims 15-17, 20-23 and 25, as per M.P.E.P. §1215.02. A copy of the filed Withdrawal of Appeal and Return Receipt Postcard is attached.

In view of Applicants' timely request for Withdrawal of the Appeal and cancellation of the non-allowed claims, it is requested that the Notice of Abandonment be withdrawn and a Notice of Allowance be issued. Reconsideration and an early allowance are requested.

Please charge any fee required in connection with this request to Deposit Account No. 04-1133.

Respectfully submitted,

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